G. R. S. App. F. IX-4]

194-

File No. 32-42

Previous References.

(Cls)

Serial Nos. 1-2.

Later References.

GEN. & REV. SECRETARIAT

Serial Nos. 2

Part B for Nov. 1942

SUBJECT.

Cabinet order dated 7-10-1942 of the Government of Madras in the matter of the levy of Court-fee on Succession Certificates

NO P 3381 dated 18.11.1942

To.

The Comptroller
Mysore Gazette
Bangalore

forwards for publication in the Gazette.

a copy

Za 31.3.43

Serial No.

From

The Secretary to the Hon'ble the Resident.

No. R.F. 22 (13)-41/Judl Dy. Nil

Forwards for publication a Copy of an order Dy 7.10.1942 of the Govt of Madras in the matter of the levy of Court fee on Succession Certificates

A draft of a Notification is submitted herewith

Can be approved

Law Secy 3/14/11

Cms 14/11

m.

Cms 16.11.42

Jm 3/16/11

Idem P 3381 dated 18.11.42 to the Comptroller, Mysore Gazette enclosing the order of the Govt of Madras noted above for general information.

NOTE—Contn. Sheet.

WD 04165—GPB—55,000—23-10-41

CHIEF SECRETARY
15 NOV
GOVT. MYSORE
SECRETARIAT
10 NOV 1942

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. R.F. 22(13)-41/Judl., dated Bangalore, the 28th October 1942.

The following Order of the Government of Madras is republished in the *Residency Orders* for information.

Secretary to the Resident.

GOVERNMENT OF MADRAS,

HOME DEPARTMENT.

G.O. Ms. No. 3670. Dated 7th October 1942.

Read the following paper :—

From the Secretary to His Excellency the Crown Representative, No. F. 82.-I.B./42, dated 6-4-42.

From the Hon'ble the Resident in Mysore No. R.F. 22(13)-41/Judl., dated 23-4-42.

From the Registrar, High Court, R.O.C. No. 2924/1942-B-1, dated 21-7-42.

From the Board of Revenue Res. Ms. No. 1423-S, dated 1st August 1942.

ORDER.

The question of the procedure to be adopted in the matter of the levy of court fee on succession certificates issued by Political Officers under section 382 of the Indian Succession Act, 1925, has been under the consideration of the Government. Political Officers who issue such succession certificates have no legal authority to levy court fees on them since section 379 of the Indian Succession Act has no operation save in respect of applications made in British India or in an administered area to which both the Indian Succession Act and the Court Fees Act have been applied. Consequently, Political Officers are now granting succession certificates with the caveat that they are valid only if stamped in accordance with section 382 of the Indian

Succession Act, 1925. Complaints have been received that certain local authorities decline to calculate the fees or cancel stamps due on succession certificates granted by Political Officers in the absence of instructions. Certain difficulties in the matter of the levy of court fees on such certificates have also been brought to the notice of the Government by the Hon'ble the Resident in Mysore. The Government are therefore pleased to issue the following instructions in consultation with the High Court and the Board of Revenue:—

(1) When a single succession certificate is obtained under section 382 of the Indian Succession Act, covering assets in several Provinces, and is presented in this Province, court fee should be levied on the entire assets mentioned in the certificate under Article 12 of Schedule I to the Court Fees Act, 1870. When separate certificates are obtained in respect of assets in different Provinces and any one or more of the certificates are presented in this Province, court fee should be levied on the certificates under the above article even though some of the certificates may relate exclusively to assets in other Provinces. The authorities receiving the certificates should also cancel the court fee stamps affixed on the certificates.

(2) Parties may present certificates for cancellation either in person or through pleader or they may send the certificates through post. Necessary postage for return of the certificates should be paid by the parties themselves.

(3) Certificates may be presented by parties to civil courts in the Province or to Revenue officers of and above the rank of Tahsildar. The officers to whom certificates are presented should verify whether the certificates have been duly stamped in accordance with the provisions of the Court Fees Act, 1870, and should cancel the court fee stamps affixed on the certificates before returning them to the parties.

(By order of His Excellency the Governor.)

C. T. MUDALIYAR,

Joint Secretary to Government.

Copy forwarded with compliments to the Chief Secretary to the Government of Mysore with the request that publicity may kindly be given to the Order of the Government of Madras.

Gle / No. P 338 / 8 18-11-42

Cls 132-42-1

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Notification

The following Order of the Govt of Madras is republished for general information.

By order

Secretary to Govt
Law Dept

[To be Kindly typed here]

WD 0136—GPB—10,000—17-10-33

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. P3381 / Ch 132-42-2

General and Revenue Secretariat,

Dated Bangalore, 18/4/42

NOTIFICATION.

The following Order of the Government of Madras is republished for general information.

By order,

for Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette for publication in the Gazette.
knns. 10/-

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GOVERNMENT OF MADRAS.

Home Department.

G.O.Ms.No.3670 Dated 7th October 1942.

Read the following paper:-

From the Secretary to His Excellency the Crown Representative, No.F.82-I.R./42, dated 6-4-42.

From the Hon'ble the Resident in Mysore No.R.F.22(13)-41/Judl., dated 23-4-42.

From the Registrar, High Court, R.O.C.No.2924/1942-B-I, dated 21-7-42.

From the Board of Revenue Res.Ms.No.1423-S, dated 1st August 194

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(By order of His Excellency the Governor.)

C.T. MUDALIYAR,
Joint Secretary to Government.